

FILLMORE CITY SPECIAL COUNCIL MEETING

June 30, 2015

Minutes of the special meeting of the Fillmore City Council held June 30, 2015 in the Council Chambers of the Fillmore City Building. Notice of the time and place of the meeting was posted on the Utah State Public Notice website, the Fillmore City website, the Council Chambers, the City Office bulletin board, and the President Millard Fillmore Library. Notice was also provided to the Chronicle-Progress, radio station KMTI and each member of the governing body on June 26, 2015.

Those present were:

Mayor: Eugene R. Larsen
Attorney: Greg Greathouse
Recorder: Kevin Orton

Council: Michael D. Holt
N. Wayne Jackson
Eric R. Jenson
Deborah S. Oeppinger
Michael K. Rhinehart

Others: Ian Adams
Cyndee Probert
R.B. Probert
Ephra Wilcox
Mark McIff
Sharla Williams
Doug Radunich

6:00 p.m. Call to Order, Welcome, and Pledge of Allegiance- Mayor Larsen

BUSINESS

The Mayor explained that the special meeting was called to finalize the selection of a new justice court judge. Ian Adams, a member of the County Judicial Committee, was present and invited to address the council.

Mr. Adams reported that the State Judicial Office in conjunction with the County Judicial Committee had interviewed four candidates and had selected three of them for council consideration.

Mayor Larsen expressed appreciation for Judge Stanley Robison who had retired. Judge Robison was respectful yet firm with all who entered his courtroom. He always treated everyone with a great deal of respect even in tough situations.

The Mayor announced the names of the candidates and invited council to visit with each one.

Judge Mark McIff – Judge McIff currently serves as judge for Sevier County and Piute County and is a practicing attorney. Court is held in Sevier County two days a week and in Piute County two days a month. He enjoys being a judge and would like to do to serve as the Fillmore Justice Court Judge.

The question was asked, “How can we stop getting the same people coming into court repeatedly?” Judge McIff responded that there are a few things a judge can try, one is to

50 increase penalties. Other ways are to require a perpetrator to get a driver's license, or to get a
51 job. Many defendants are repeat offenders who don't spend their spare time constructively, so
52 a good judge will try to point them in that direction. Everyone should be treated differently
53 because you are dealing with the offender as well as the crime. A good judge should try to
54 understand who that person is and do the best for them. The more a judge knows about the
55 defendant the better he determine an appropriate sentence.

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57 Judge McIff would like to be a judge until he retires; he enjoys serving in different
58 communities. When asked if he tends to be more lenient or more stern in his decisions, he
59 responded by saying he is in the middle. He also has a good relationship with law enforcement
60 in all communities in which he works and he encouraged the council to contact them for
61 references. When asked why he should be considered over other candidates, he said because of
62 his extensive amount of knowledge and experience.

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64 Cyndee Probert - Mrs. Probert has experience as a justice court clerk having worked eight
65 years for two different courts. This has prepared her to be an effective justice court judge.

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67 When asked about strategies to curb repeat offenders, she responded by saying that after
68 probations have been given and it turns into a babysitting situation, it is time for them to serve
69 jail time. For some, serving time in jail means hitting rock bottom and is what is needed to
70 want to change their life.

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72 In response to what she likes most and least in working in the justice court system, she likes
73 that each case is different. Small claims are what she likes the least because almost always
74 someone walks away with bad feelings, however she will try to diffuse those bad feelings and
75 be fair.

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77 A question was asked about her ability to deal with arrogant people with bad attitudes in a
78 courtroom and she has no problems dealing appropriately with them, the bottom line is to be
79 fair in dealing with them. She is not working right now and will be able to devote plenty of
80 time to the job. What excites her about this position is being able to help people move forward
81 with their lives and be better citizens, and she can do it in a fair way with compassion. She is
82 decisive in her decisions. She also has a good relationship with the local law enforcement and
83 knows many of them from working with them, but will be able to remain impartial in all
84 judgments.

85
86 Judge Sharla Williams - Judge Williams presides in six different courts and feels she has time
87 to take on another one. She plans on working until she is seventy-five years old, so she would
88 be able to fill the six year appointment.

89
90 She was asked what she does not like about her job; she does not like to see people she knows
91 get punished, but it is a part of the job and she just does it. She has been filling in for Fillmore
92 since the retirement of Judge Robison; she does not want small towns and cities to lose their
93 courts.

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95 When asked about her relationship with law enforcement, she responded that she gets along
96 well and has a good rapport with them. It is important to keep up on state continuing education

and she does complete all the trainings. Concerning council involvement, she stated that the council should have no influence on any court decisions. Court should be entirely separate, and the court does not always make popular decisions. Decisions should be made that are best for that individual, and the council should have no bearing on that decision.

Closed Session

MOTION: To go into a closed meeting to discuss the character, competency or mental health of an individual(s).

By: Councilmember Rhinehart

Second: Councilmember Holt

Vote: Unanimous. Motion carried.

Upon returning from a closed session to the open meeting, the following motion was made:

Appointment of Justice Court Judge

MOTION: To appoint Cyndee Probert as the Fillmore City Justice Court Judge

By: Councilmember Holt

Second: Councilmember Jenson

Role-Call Vote:

Councilmember Holt: Yes

Councilmember Oeppinger: Yes

Councilmember Rhinehart: No

Councilmember Jackson: No

Councilmember Jenson: Yes

Vote: Motion carried by a 3-2 vote

Closed Session (2nd)

MOTION: To go into a closed meeting to discuss the character, competency or mental health of an individual.

By: Councilmember Jenson

Second: Councilmember Jackson

Vote: Unanimous. Motion carried.

Upon the conclusion of the closed session, the council reconvened in the open meeting

COUNCIL REPORTS

Councilmember Jenson-

- There was a water leak on June 29 in front of Jordan Roper's house on 200 West. It was repaired yesterday, filled back in, and the hazard has been corrected.
- Sunrise Engineering and the city office staff completed the application for the drinking water upgrade project. The application has been sent in to the State.

Councilmember Jackson-

- The cemetery project is underway and Sunrise Engineering is moving forward with it. Craig Bartholomew cannot drive into the transfer station. There is not enough room to get through.

Councilmember Rhinehart-

- Celebrations committee is making final preparations for the Fourth of July. The council will ride in the old fire truck during the parade.
- The splash pad is not being worked on this week due to some brackets being attached to parts before they can be transported. Construction will resume next week.

Councilmember Oeppinger-

- Great Basin is making some adjustments on the brochures they are sending out.
- There was another dog bite today.

Councilmember Holt-

- The Fourth of July no parking signs are posted on Main Street. There were some cars parked in the no parking zones. The Sheriff's office has been asked to help enforce.
- The Fire Department will be spending the week getting ready for the Fourth of July firework show. The inmates will be helping.

Mayor Larsen-

- The Supreme Court appears to be backing the coal industry in regards to the EPA going after them legally.
- Mayor Larsen ensured the council that the city is following guidelines correctly in regards to moving forward on the child care ordinance change process. He encouraged the council to be sure to make legislative decisions based on what is best for the majority and without the influence of public clamor.
- There will be a scheduled power outage on the week of July 13 starting at eight o'clock in the morning for eight hours. Mayor Larsen is making efforts to see that the outage happens during the night hours instead.

ADJOURNMENT

MOTION: To adjourn the meeting.
By: Councilmember Rhinehart
Second: Councilmember Oeppinger
Vote: Unanimous. Motion carried.

The meeting adjourned at 8:10 p.m. The next meeting will be held July 7, 2015 at 6:30 p.m.

APPROVED July 7, 2015

Eugene R. Larsen, Mayor